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Attorneys for Plaintiff Millrock Investment Fund 1, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MILLROCK INVESTMENT FUND 1, LLC,

Plaintiff,

v.

HEALTHCARE SOLUTIONS
MANAGEMENT GROUP, INC.;
HEALTHCARE SOLUTIONS HOLDINGS
INC.; LANDES CAPITAL MANAGEMENT,
LLC; LANDES AND COMPAGNIE TRUST
PRIVE KB; JOSHUA CONSTANTIN;
JUSTIN SMITH; STUART MCMAHEN; and
BLACK LABEL SERVICES, INC.,

Defendants.

MOTION FOR EXTENSION OF TIME
(1) TO RESPOND TO MOTION TO SET
ASIDE DEFAULT JUDGMENT AGAINST
DEFENDANT JUSTIN SMITH [DKT. #74];
(2) TO RESPOND TO MOTION TO
DISMISS JUSTIN SMITH [DKT. # 75]; and
(3) TO SEEK LEAVE TO AMEND
PLEADINGS AND/OR NAME
ADDITIONAL PARTIES

Case No. 2:23-cv-00157-RJS-DAO

Chief District Judge Robert J. Shelby

Magistrate Judge Daphne A. Oberg

Pursuant to Rule 7 of the Federal Rules of Civil Procedure and Local Rule DUCivR

7-1 (a)(2), plaintiff Millrock Investment Fund 1, LLC ("Millrock") respectfully submits this

Motion for Extension on Time (1) to Respond to Motion to Set Aside Default Judgment Against

Defendant Justin Smith [Dkt. #74]; (2) to Respond to Motion to Dismiss Justin Smith [Dkt. #75]; and (3) to Seek Leave to Amend Pleadings and/or Name Additional Parties (the "Motion").

RELIEF REQUESTED AND GROUNDS FOR RELIEF

By this Motion, Millrock requests the Court extend the time for Millrock to respond to the Motion to Set Aside Default Judgment Against Defendant Justin Smith (Dkt. # 74) and the Motion to Dismiss Justin Smith (Dkt. # 75) from February 23, 2024, through and including a date three (3) weeks after the stay of proceedings requested by Millrock in its Motion to Temporarily Stay this Case in Order to Determine (1) the Scope and Effect on this Case of the Automatic Stay from HSMG's Bankruptcy Case; and (2) Whether the Claims in this Case Belong to HSMG's Bankruptcy Estate and/or Will be Pursued by the Chapter 7 Trustee in HSMG's Bankruptcy Case (the "Motion to Stay") [Dkt. # 85.] Millrock also requests the same extension of the deadline for seeking leave of the Court to amend pleadings and/or name additional parties from its current deadline of February 27, 2024. The grounds for requesting these extensions are those supporting the requested stay of this case that are more fully set forth in the Motion to Stay, including that (i) Millrock has been discussing this case with the Chapter 7 Trustee in the pending bankruptcy case in the United States Bankruptcy Court for the District of Delaware against defendant Healthcare Solutions Management Group, Inc. (the "Bankruptcy Case"); (ii) Millrock, with the cooperation and assistance of the Trustee, is still determining the scope of the automatic stay and its application to this case; and (iii) the Trustee is still determining what claims, if any, will be pursued by the Trustee in connection with this case, and what remaining claims Millrock may potentially be able pursue in this case. Accordingly, Millrock requests the

Court grant the requested extension. Pursuant to DUCivR 7-1(e), a proposed order is submitted herewith.

DATED this 23rd day of February, 2024.

PARR BROWN GEE & LOVELESS

By: /s/ Rodger M. Burge
Terry E. Welch
Bentley J. Tolk
Rodger M. Burge
Attorneys for Plaintiff Millrock Investment
Fund 1, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2024 I caused to be served a true and correct copy of the foregoing MOTION FOR EXTENSION OF TIME (1) TO RESPOND TO MOTION TO SET ASIDE DEFAULT JUDGMENT AGAINST DEFENDANT JUSTIN SMITH [DKT. #74]; (2) TO RESPOND TO MOTION TO DISMISS JUSTIN SMITH [DKT. # 75]; and (3) TO SEEK LEAVE TO AMEND PLEADINGS AND/OR NAME ADDITIONAL PARTIES via the CM/ECF system on the following attorneys for Joshua Constantin and Stuart McMahan:

Keith M. Woodwell
Thomas A. Brady
Nickolas C. Sessions
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By: /s/ Rodger M. Burge